IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2677 of 2007

GANGA RAM
V/S
UNION OF INDIA & ORS.

Mr. HS SANDHU, for the appellant / petitioner

Date of Order : 15.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, and perused the documents annexed with the writ petition.

The petitioner was allotted the land under the Displaced Persons (Compensation & Rehabilitation) Rules, which was alienated by the petitioner by way of an agreement to sale, and possession was delivered to Dalip Singh, Bachan Singh and Arjan Singh. On that ground, the allotment was cancelled in the year 1978. This cancellation was challenged by the transferees, by way of filing of the writ petition before this Court, which was dismissed on 28.1.97. In that writ, the original allotees were impleaded as party respondents, and it was found, that the original allotees have not challenged the order of cancellation of the allotment. However, that writ petition was dismissed, as the petitioners therein were found to be not having any locus-standi, the land was not allotted to them, and they

had no right to challenge the cancellation of the allotment. The judgment was passed way-back on 28.1.1997, even thereafter, that order of cancellation of allotment had not been challenged by the present petitioner, except by way of filing the present writ petition.

The transferees filed regular civil suit for specific performance, that also ultimately failed, and as transpires from the documents, that it is after dismissal of that suit, that now the petitioner wants to fall back upon the original allotment, and seek to challenge the cancellation of his allotment, on various grounds, which cannot be allowed to be challenged now, at this belated hour.

It is significant to note, that the petitioner is playing smart with all authorities concerned, inasmuch as, the allotment was cancelled on the ground of his having alienated the land. Then even when the transferees filed writ petition, the present petitioners did not choose to file any reply, not only this, to avoid taking any positive stand, even in the suit for specific performance, initially, the petitioner remained exparte, and then even after getting the exparte order set aside, did not choose to file any written-statement, and the suit was dismissed on the ground of limitation only. In such circumstances, after having ensured, that the transferee is not able to

enforce his rights against the petitioner, and despite the land being in possession of the transferees, now playing smart, the present writ petition has been filed to reclaim the allotment.

Looking to the above conduct of the petitioner, and in view of the delay, I am not inclined to entertain the writ petition. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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